

## STATE OF SOUTH CAROLINA

## (Caption of Case)

Example: Application for a Class C Charter Certificate from  
John Doe dba Doe's Limo

226669  
BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

## TRANSPORTATION COVER SHEET

## DOCKET

NUMBER: 2010 - 369 - T

LOW COUNTRY SIGHTSEEING, LLC

If this is your first time filing an application with the PSC, you will not have a Docket Number. The Commission will assign one to you. If you have filed with the Commission before, a Docket Number was assigned and should be entered above.

(Please type or print)

Submitted by: CHARLENE BARRETT

Telephone:

(843) 681-6145

Address:

5 SAWTOOTH COURT  
HILTON HEAD ISLAND SC  
29926

Fax:

(843) 681-8932

Other:

Email: CHARLENE123@HARWAY.COM

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

## NATURE OF ACTION (Check all that apply)

☐ Application - Class A/A Restricted☐ Application - Class C Taxi☐ Application - Class C Charter☒ Application - Class C Charter Bus☐ Application - Class C Non-Emergency☐ Application - Class C Stretcher Van☐ Application - Class E Household Goods☐ Application - Class E Hazardous Waste☐ Application☐ Request for Extension to Comply with Order☐ Request for Order Granting Authority to Obtain a Certificate of Public Convenience and Necessity to be Rescinded☐ Request for Cancellation of Certificate☐ Request for Suspension☐ Request for Reinstatement☐ Request for Name Change on Certificate☐ Request to Amend Scope of Authority☐ Request to Amend Tariff (rate increase, etc.)☐ Request to Amend Passenger Limit☐ Request☐ Exhibit☐ Late-Filed Exhibit☐ Letter☐ Proposed Order☐ Publisher's Affidavit☐ Reservation Letter☐ Response☐ Return to Petition☐ Other: \_\_\_\_\_

RECEIVED  
NOV 03 2010  
PSC SC  
CLERK'S OFFICE

If you have any questions about this form, please contact the PUBLIC SERVICE COMMISSION at 803-896-5100.

LOD

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
101 Executive Center Drive, Suite 100  
Columbia, South Carolina 29210  
(Mailing address: Post Office Drawer 11649, Columbia, SC 29211)

Phone: (803) 896-5100 FAX: (803) 896-5199

APPLICATION FOR CLASS C - CHARTER BUS CERTIFICATE

CLASS C - CHARTER BUS

RECEIVED

Date:

11-2-10

NOV 03 2010

PSC SC  
CLERK'S OFFICE

Application is hereby made for a Class C - Charter Bus Certificate.

1. Name under which business is to be conducted (corporation, partnership, or sole proprietorship, with or without trade name.)

LOW COUNTRY SIGHTSEEING, LLC

5 SAWTOOTH COURT

Street Address of Applicant

HILTON HEAD ISLAND SC 29926

Mailing Address of Applicant if different from street address

(843) 681-6145 (CELL) (843) 816-1681 (843) 681-8932

Phone

FAX

CHARLENE 123 W HARBRAY.COM

Email Address

2. If incorporated, a copy of Articles of Incorporation must be attached. (If incorporated outside of SC, attach SC Secretary of State "Foreign Corporation" Certificate.)

3. Select Entity Type: (Check one)

- ☒ Individual Owner/Sole Proprietorship  
☐ Partnership - List names and address of all person having an interest in the business.  
☐ Corporation - List names and addresses of two principal officers.

\* LLC CHARLENE BARRETT, MANAGER & SOLE PROPRIETOR MEMBER

**DESCRIPTION OF EQUIPMENT**

MAKE	YEAR & MODEL	VIN#	WEIGHT EMPTY	SEATING CAPACITY
TO BE ORDERED 2-25 PAX CHAMPION BUSES				
1-14 PAX VAN				

**INSURANCE QUOTE**

This form **MUST BE COMPLETED AND SIGNED** by an **AUTHORIZED INSURANCE COMPANY REPRESENTATIVE**.

The following insurance quote is for:

LOW COUNTRY SIGITT SEBING, LLC

Name of Motor Carrier

5 SAWTOOTH COURT, HILTON HEAD SC 29926

Address of Motor Carrier

**Amount of Premium:****Limits Quoted: (See Below)**

Liability Insurance \$

7,893.10

Limits

5,000,000

The above quoted premium is for a term of 12 months.

**Minimum Limits - Intrastate Only:**

16 or More Passengers

\$ 25,000/300,000/25,000

ZURICH

Name of Insurance Company

29 HAVILAND STREET, NORWALK CT. 06854

Home Office Address of Company

I am familiar with the Commission's Rules and Regulations relating to insurance requirements and the above quote meets the minimum insurance limits prescribed. The insurance company making this quote is authorized by the South Carolina Department of Insurance to do business in South Carolina.

11/2/2010  
Date

[Signature]  
Authorized Insurance Company Representative's Signature

The insurance quote must be complete, listing current insurance premiums. At the discretion of the Commission, a copy of current insurance policies may be required. Do not provide a copy of insurance policies unless requested.

Exhibit FWALOW COUNTRY SIGHTSEEING, LLC

Name

NOT YET APPLIED FOR

U.S.D.O.T No.

ICC No.

1. Does Applicant have a Safety Rating from the U.S.D.O.T.?

☐ Yes☒ No☐ Pending

(Submit when received.)

If Yes, indicate rating below and provide copy.

☐ Satisfactory☐ Conditional☐ Unsatisfactory

2. Have any of Applicant's drivers or vehicles been placed "out of service" by Transport Police safety officers in the past twelve (12) months?

☐ Yes☒ No

3. Are there currently any outstanding judgments against the Applicant?

☐ Yes☒ No

If Yes, indicate nature of judgement(s) against applicant.

4. Is Applicant familiar with all insurance regulations and safety regulations governing charter bus carrier operations in South South Carolina, and does Applicant agree to operate in compliance with these regulations?

☐ Yes☒ No

5. Is Applicant aware of the Commission's insurance requirements and the insurance premium costs associated therewith?

☐ Yes☒ No

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
POST OFFICE DRAWER 11649  
COLUMBIA, SOUTH CAROLINA 29211

Applicant is familiar with the provision of S.C. Code Ann. §58-23-10, et seq.(1976), and amendments thereto, and R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers (Vol.26, S.C. Code Ann., 1976), and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers (Vol.23A, S.C. Code Ann., 1976) and amendments thereto, and hereby promises compliance therewith.

STATE OF SOUTH CAROLINA

COUNTY OF Beaufort

Low Country Sightseeing, LLC  
Charles Barnett  
Applicant's Signature

I, Charles Barnett, President  
Name of Applicant's Representative Title  
of Low Country Sightseeing, LLC,  
Applicant

the Applicant for the Charter Bus Certificate as set forth in the foregoing, swear or affirm that all statements contained in the above application are true and correct.

Charles Barnett  
Signature of Applicant's Representative

SWORN TO BEFORE ME

This 2nd day of November 2010

Carol Fitzpatrick  
Notary Public

Commission Expires 10-29-2014

CERTIFIED TO BE A TRUE AND CORRECT COPY  
AS TAKEN FROM AND COMPARED WITH THE  
ORIGINAL ON FILE IN THIS OFFICE

STATE OF SOUTH CAROLINA  
SECRETARY OF STATE

MAR 29 2010

ARTICLES OF ORGANIZATION  
Limited Liability Company – Domestic  
Filing Fee - \$110.00

*Mark H*  
~~TYPE OR PRINT CLEARLY IN BLACK INK~~

The undersigned delivers the following articles of organization to form a South Carolina limited liability company pursuant to S.C. Code of Laws §33-44-202 and §33-44-203.

1. The name of the limited liability company (Company ending must be included in name\*)

Low Country Sightseeing, LLC

**\*NOTE: The name of the limited liability company must contain one of the following endings: "limited liability company" or "limited company" or the abbreviation "L.L.C.", "LLC", "L.C." or "LC". "Limited" may be abbreviated as "Ltd.", and "company" may be abbreviated as "Co."**

2. The address of the initial designated office of the limited liability company in South Carolina is

5 Sawtooth Court

Street Address

Hilton Head Island

29926

City

Zip Code

3. The initial agent for service of process is

Charlene D. Barrett

Name

Signature of Agent

and the street address in South Carolina for this initial agent for service of process is

5 Sawtooth Court

Street Address

Hilton Head Island

29926

City

Zip Code

4. List the name and address of each organizer. Only one organizer is required, but you may have more than one.

- (a) David J. Tigges

Name

23B Shelter Cove Lane Suite 400

Street Address

Hilton Head Island

SC

29928

City

State

Zip Code

- (b)

Name

Street Address

City

100331-0401

LOW COUNTRY SIGHTSEEING, LLC

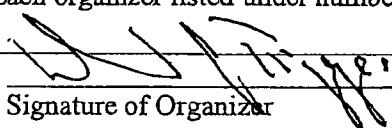
Filing Fee: \$110.00 ORIG

Mark Hammond

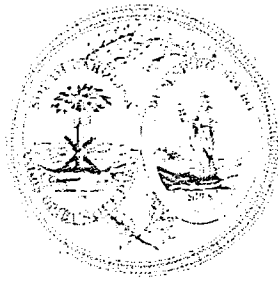
South Carolina Secretary of State

Name of Limited Liability Company Low Country Sightseeing, LLC

5. ☐ Check this box only if the company is to be a term company. If the company is a term company, provide the term specified. \_\_\_\_\_
6. ☐ Check this box only if management of the limited liability company is vested in a manager or managers. If this company is to be managed by managers, include the name and address of each initial manager.
- (a) Charlene D. Barrett
- Name \_\_\_\_\_
- 5 Sawtooth Court \_\_\_\_\_
- Street Address \_\_\_\_\_
- Hilton Head Island SC 29926
- City State Zip Code
- (b) \_\_\_\_\_
- Name \_\_\_\_\_
- Street Address \_\_\_\_\_
- City State Zip Code
7. ☐ Check this box only if one or more of the members of the company are to be liable for its debts and obligations under §33-44-303(c). If one or more members are so liable, specify which members, and for which debts, obligations or liabilities such members are liable in their capacity as members. This provision is optional and does not have to be completed.
8. Unless a delayed effective date is specified, these articles will be effective when endorsed for filing by the Secretary of State. Specify any delayed effective date and time.
- \_\_\_\_\_
9. Any other provisions not inconsistent with law which the organizers determine to include, including any provisions that are required or are permitted to be set forth in the limited liability company operating agreement may be included on a separate attachment. Please make reference to this section if you include a separate attachment.
10. Each organizer listed under number 4 must sign.

  
\_\_\_\_\_  
Signature of Organizer\_\_\_\_\_  
March 25, 2010\_\_\_\_\_  
Date\_\_\_\_\_  
Signature of Organizer\_\_\_\_\_  
Date

# *The State of South Carolina*



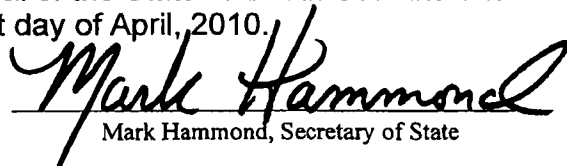
*Office of Secretary of State Mark Hammond*

## **Certificate of Existence**

**I, Mark Hammond, Secretary of State of South Carolina Hereby certify that:**

LOW COUNTRY SIGHTSEEING, LLC, A Limited Liability Company duly organized under the laws of the State of South Carolina on March 26th, 2010, with a duration that is at will, has as of this date filed all reports due this office, paid all fees, taxes and penalties owed to the Secretary of State, that the Secretary of State has not mailed notice to the company that it is subject to being dissolved by administrative action pursuant to section 33-44-809 of the South Carolina Code, and that the company has not filed articles of termination as of the date hereof.

Given under my Hand and the Great  
Seal of the State of South Carolina this  
1st day of April, 2010.

  
Mark Hammond, Secretary of State

**Action Taken by Consent of the Organizer  
of  
Low Country Sightseeing, LLC**

Effective as of the 29<sup>th</sup> day of March, 2010

---

The following resolutions are adopted by the consent of the organizer of Low Country Sightseeing, LLC, a South Carolina limited liability company ("Company").

1. **Resolution Admitting Members.** The following resolution with respect to the admittance of the sole Member of the Company is hereby adopted:

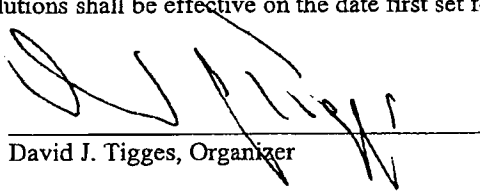
**RESOLVED**, effective as of the 29<sup>th</sup> day of March, 2010, the following individual is hereby admitted as the sole Member of the Company.

Charlene D. Barrett

2. **Resolution Affirming Articles of Organization.** Articles of Organization for the Company were filed with the South Carolina Secretary of State. This resolution reaffirms all of the terms and provisions contained in said Articles of Organization.

**RESOLVED**, the Articles of Organization, as filed with the South Carolina Secretary of State, are hereby affirmed as being the Articles of the Company.

The above resolutions were taken by the organizer of the Company and the organizer has consented to these actions by signing his name below. These resolutions shall be effective on the date first set forth above.

  
\_\_\_\_\_  
David J. Tigges, Organizer

## Operating Agreement of Low Country Sightseeing, LLC

**This Operating Agreement** ("Agreement"), effective as of the \_\_29<sup>th</sup> day of March, 2010, for good and valuable consideration is adopted by the Member (as defined below).

1. **Definitions.** As used in this Operating Agreement, the following terms have the following meanings.

1.1 **Act.** "Act" means the South Carolina Limited Liability Company Act of 1996 and any successor statute as amended from time to time.

1.2 **Agreement.** "Agreement" means this Operating Agreement as amended and modified from time to time.

1.3 **Articles.** "Articles" means the Articles of Organization filed with the Secretary of State of South Carolina.

1.4 **Code.** "Code" means the Internal Revenue Code of 1986 and any successor statute, as amended from time to time.

1.5 **Company.** "Company" means Low Country Sightseeing, LLC, a South Carolina limited liability company.

1.6 **Manager.** "Manager" means Charlene D. Barrett.

1.7 **Member.** "Member" means Charlene D. Barrett.

1.8 **Person.** "Person" means an individual, partnership, limited partnership, limited liability company, foreign limited liability company, trust, estate, corporation, custodian, trustee, executor, administrator, nominee or entity in a representative capacity.

2. **Organization.**

2.1 **Formation.** The Company has been organized as a South Carolina Limited Liability Company by the filing of Articles pursuant to the Act.

2.2 **Admittance of Member.** Evidenced by executing this Agreement, Charlene D. Barrett hereby agrees and consents to be admitted to the Company as its sole Member.

3. **Membership.**

3.1 **Additional Members.** Additional Persons may be admitted to the Company as a Member, on such terms and conditions as the Member and Manager may determine at the time of admission. Any such admission also must comply with the requirements described elsewhere in this Agreement and is effective only after the new Member has executed and delivered to the Company this Agreement, as amended.

3.2 Liabilities to Third Parties. Except as otherwise expressly agreed in writing, no Member shall be liable for the debts, obligations or liabilities of the Company, including under a judgment decree or order of a court.

3.3 Withdraw or Disassociation. No Member may withdraw or dissociated from the Company.

4. Capital.

4.1 Capital Contributions. No interest shall accrue on any capital contribution and the Member shall have the right to withdraw the capital with the consent of the Manager. A Member shall only be required to contribute capital to the Company upon such Member's consent.

4.2 Loans by a Member. The Member may consent to loan funds to the Company. A loan from the Member to the Company shall be upon the terms and conditions agreed to by the Company and the Member.

5. Management by Manager.

5.1 Management. The powers of the Company shall be exercised by or under the authority of, and the business and affairs of the Company shall be managed under the direction of the Manager. Without limiting the foregoing, the Manager shall make all decisions and take all actions for the Company not otherwise provided for in this Agreement, including, without limitation, the following:

(a) enter into contracts, agreements, and other undertakings binding the Company that may be necessary, appropriate, or advisable in furtherance of the purposes of the Company and making all decisions and waivers thereunder;

(b) execute and deliver any deed, lease, mortgage, mortgage note, bill of sale, easement, license, contract or other instrument purporting to convey, sell, exchange or encumber all or any part of the Company's property in accordance with the business plan;

(c) deposit or invest Company funds in such interest bearing or non interest bearing investments or bank accounts as it deems advisable;

(d) retain or employ and coordinate the services of employees, independent contractors, supervisors, accountants, attorneys and other persons necessary or appropriate to carry out the business and purposes of the Company;

(e) engage in any kind of activity and to perform and carry out any and all contracts of any kind necessary to operate the business and purposes of the Company; and

(f) pay all debts and other obligations of the Company, to the extent that funds of the Company are available therefor.